

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

DONALD E. MORISKY,

Plaintiff,

v.

MMAS RESEARCH, LLC et al.,

Defendants.

Case No. 2:21-cv-01301 RSM-DWC

**DECLARATOIN OF F. CHRISTOPHER AUSTIN
IN SUPPORT OF**

**PLAINTIFF'S MOTION FOR CASE-ENDING
SANCTIONS STRIKING DEFENDANTS'
ANSWERS AND ENTERING DEFAULT**

F. Christopher Austin, under penalty of perjury under the laws of the United States of America and the State of Washington, declares and states as follows:

1. I am a member in good standing of the State Bar of Nevada, duly admitted to the practice of law in the state and federal courts of the State of Nevada, and I am admitted *pro hac vice* to practice in this Court in the State of Washington on this particular matter.

2. I am personal counsel for Dr. Donald Morisky, the Plaintiff in this action, and make this declaration in support of Plaintiff's Motion for Case-Ending Sanctions Striking Defendants' Answers and Entering Default.

3. On October 24, 2024, and in accord with the Court's September 10, 2024 Order, Plaintiff filed a Motion for an Award of Fees and Costs Incurred in Obtaining an Order Sanctioning Defendants.¹

¹ Dkt. 261.

4. Defendants failed to file any response, and on November 22, 2024, this Court entered an Order Granting Plaintiff's Motion for an additional sanction of \$46,531.48² in Attorney Fees and Costs Plaintiff incurred in bringing his Renewed Motion for Sanctions.

5. In that November 22, 2024, Order, the Court directed Defendants to remit the \$46,531.48 in sanctions within 30 days of the Order to Plaintiff, care of Plaintiff's counsel, Weide & Miller, Ltd.³ Thus, per the Court's November 22nd Order, Defendants' payment was due by December 23, 2024.

6. I am a partner in the firm of Weide & Miller and have confirmed that our firm did not receive any payment from Defendants on December 23, 2024, or any day thereafter to the present and specifically that the firm has not received a payment of the \$46,531.48 in sanctions ordered by the Court.

7. Defendants have again failed to comply with the sanctions ordered by this Court in this matter.

DATED: January 3, 2025.

/s/ F. Christopher Austin

F. Christopher Austin

Pro Hac Vice, (NV 6559)

WEIDE & MILLER, LTD.

10655 Park Run Drive, Suite 100

Las Vegas, NV 89144

Attorneys for Plaintiff

² Combined with the prior \$35,025.92 in sanctions ordered by the Court, this additional sanction of \$46,531.48, brings the total of sanctions ordered against Defendants to \$81,557.40.

³ Dkt. 267.